

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

BRIAN E. SCALF, )  
Plaintiff, )  
 )  
v. ) No. 3:08-CV-316  
 ) (Phillips/Guyton)  
MICHAEL J. ASTRUE, )  
COMMISSIONER OF SOCIAL SECURITY, )  
Defendant. )

ORDER

For the reasons stated in the memorandum opinion filed contemporaneously with this order, the objections to the report and recommendation of the magistrate judge filed by plaintiff [Doc. 20] are hereby **OVERRULED**. The report and recommendation [Doc. 19] is **ACCEPTED IN WHOLE** under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

**IT IS ORDERED**, for the reasons stated in the report and recommendation, which the court adopts and incorporates into its ruling, that the plaintiff's motion for summary judgment [Doc. 10] is **DENIED**; the defendant Commissioner's motion for summary judgment [Doc. 17] is **GRANTED**; the defendant Commissioner's decision in this case denying plaintiff's application for benefits under the Social Security Act is **AFFIRMED**; and this case is **DISMISSED**.

**IT IS SO ORDERED.**

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge